HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.2674 OF 2007

Between:

T. Madhusudhan Rao …Petitioner

AND

Government of Andhra Pradesh,
represented by its Principal Secretary (Revenue),
Secretariat Buildings, Hyderabad
and others. ...Respondents

: O R D E R :

Counsel for the petitioner : Sri K.S. Murthy

13th February, 2007

Per G.S.SINGHVI, C.J.

In this petition filed in the name of public interest litigation, the petitioner has prayed for quashing the decision of the Andhra Pradesh Bhoodan Yagna Board (for short, 'the Board') to delete the land measuring about Ac.10.00 comprised in Survey Nos.65, 707/2 and 708/2 from its purview and to treat the same as Sevashram land and to utilise the same only for public purposes and public use or for the poor and needy people.

After doing graduation in 1992, the petitioner joined Bharatiya Janata Party. Presently, he is the President of Mancherial Town Unit of the party. He claims to have taken up several causes of the public including removal of encroachments from public land, creation of minimum civic facilities for the people residing in and around Mancherial Town, providing medical facilities to the slum dwellers, and has been leading agitation for construction of railway under-bridge. In 2004, he claims to have successfully represented against the sale of the land in question, which is adjacent to Garimella Primary High School and local Government Degree College. His grievance is that by taking advantage of resolution dated 9-1-2006 passed by the Board for deleting the land in question from its purview and treating the same as Sevashram land of Sri Gopal Rao Dandekar and order dated 21-11-2005 passed by the learned Single Judge in Writ Petition No.9105 of 2005, Smt.Kusumtai Dandekar wife of Gopal Rao Dandekar (respondent No.7) has sold the land to several individuals necessitating filing of the present petition.

Sri K.S.Murthy, learned counsel for the petitioner took us through the averments contained in the affidavit of the petitioner and the documents annexed with the writ petition and argued that resolution dated 9-1-2006 passed by the Board and the consequential actions taken by Mandal Revenue Officer, Mancherial (respondent No.5) and Sub-Registrar, Mancherial for registration of

the sale deeds are liable to be nullified. Sri Murthy further argued that the Board does not have any power to transfer its land to private individuals and, therefore, the release of land in favour of Sri Gopal Rao Dandekar and sale thereof by respondent No.7 are liable to be declared ultra vires the provisions of the Andhra Pradesh Bhoodan and Gramdan Act, 1965 (for short, 'the Act'). He submitted that the petitioner does not have any personal interest in the land in question and the sole purpose of filing the writ petition is to protect the land donated in furtherance of Bhoodan Andolan organised by Vinobha Bave.

We have given our most anxious consideration to the arguments/ submissions of the learned counsel, but have not felt persuaded to entertain the writ petition as a piece of public interest litigation. It is borne out from the record that vide separate proceedings dated 14-6-1994, the Secretary of the Board informed respondent No.5 that Ac.10.00 of dry land situated in Garimella Village had been granted to respondent No.7 and Sri Satyakam Dandekar son of Gopal Rao Dandekar under Section 14(1) of the Act and, therefore, he should issue pattas in their favour under Rule 11 of the Andhra Pradesh Bhoodan and Gramdan Rules, 1965. After six months, District Collector, Adilabad (respondent No.3), vide his letter dated 14-12-1994 asked respondent No.5 to take action as per the Board's reference No.U3/118/77, dated 28-1-1977 and issue pattas in favour of respondent No.7 and Sri Satyakam Dandekar. Thereafter, respondent No.5 issued order dated 29-12-1994 for grant of pattas to respondent No.7 and Sri Satyakam Dandekar.

After another ten years, respondent No.7 submitted representation dated 29-6-2004 to the Secretary of the Board complaining against the grant of land to her son Sri Satyakam Dandekar. She also filed Writ Petition No.9105 of 2005 with the complaint that on being instructed by respondent No.5, the Sub-

Registrar had declined to register the sale deeds executed by her in respect of the land in question. The same was disposed of by the learned Single Judge on 21-11-2005 by directing respondent No.3 to instruct respondent No.5 to consider representation dated 16-2-2005 submitted by the petitioner and pass appropriate order.

In compliance of the direction given by the Court and after taking note of resolution dated 9-1-2006 passed by the Board, the substance of which was incorporated in letter dated 16-1-2006 sent by the Secretary of the Board, respondent No.5 withdrew letter dated 29-10-2004 and asked the Sub-Registrar to accordingly take action in respect of the land comprised in Survey Nos.65, 707 and 708. Respondent No.5 also issued proceedings-cum-order dated 8-9-2006, whereby he sanctioned transfer of the land held in the name of late Satyakam Dandekar in favour of respondent No.7 and Smt.Rajeshwari Dandekar.

In the backdrop of the above factual matrix, it must be held that the grievance made by the petitioner against the release of land belonging to the Board in favour of respondent No.7 and late Satyakam Dandekar suffers from the lack of bona fides. Resolution dated 9-1-2006 passed by the Board and proceedings/order issued by respondent No.5 in furtherance of that resolution are necessary concomitants of the grants made by the Board vide proceedings dated 14-6-1994. The petitioner has not offered any explanation as to why he remained silent for a period of more than twelve years. Therefore, at this belated stage, we do not find any justification to entertain his challenge to resolution dated 9-1-2006 or proceedings dated 8-9-2006 issued by respondent No.5 or to nullify the sale of land by respondent No.7, more so because, the petitioner has not prayed for quashing the grant made by the Board in favour of respondent No.7 and late Satyakam Dandekar. In our considered view, without successfully challenging the grants made by the Board vide proceedings dated 14-6-1994, the petitioner cannot seek a

restraint order against the disposal of the land by respondent No.7.

For the reasons stated above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.No.3425 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, C.J.

13th February, 2007

C.V. NAGARJUNA REDDY, J.

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